

EXHIBIT 4

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6 WESTLAND FINANCIAL III, LLC
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10 UNTIED STATE DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 DOUGLAS KEANE.

CASE NO.

13 Plaintiff.

14 vs.

15 ATLAS HOSPITALITY GROUP,
HEDMARK VIII, LLC and
16 WESTLAND FINANCIAL III, LLC and
JUSTIN B. MEYERS.
17

NOTICE OF REMOVAL OF
ACTION;
UNDER 28 U.S.C. § 1441(b)
(FEDERAL QUESTION)

18 Defendants.

19 _____ /
20 TO THE CLERK OF THE ABOVE-ENTITLED COURT:

21 PLEASE TAKE NOTICE that defendants HEDMARK VIII, LLC and
22 WESTLAND FINANCIAL III, LLC hereby removes to this Court the state court action
23 described below.

24 1. On October 22, 2007 an action was commenced in the Superior Court of
the State of California in and for the City of Santa Rosa, County of Sonoma, entitled
25 DOUGLAS KEANE, Plaintiff v. ATLAS HOSPITALITY GROUP, HEDMARK VIII,
26 LLC, WESTLAND FINANCIAL GROUP III, LLC and JUSTIN B. MEYERS
27 Defendants, as case number SCV-241706 hereto as Exhibit "A."

1 2. The first date upon which defendants received a copy of the said Complaint
2 was November 1, 2007, when defendants were served with a copy of the said Complaint
3 and a Summons from the said state court. A copy of the Summons is attached hereto as
4 Exhibit "B."

5 3. This action is a civil action of which this Court has original jurisdiction
6 under 28 U.S.C. §1331, and is one which may be removed to this Court by defendants
7 pursuant to the provision of 28 U.S.C. §1441(b) in that it arises under the Copyright Act
8 (17 U.S.C. §101 et. seq.) which grants exclusive jurisdiction to federal district courts over
9 civil actions arising under the Copyright Act. 17 U.S.C. §301. Plaintiff's claims under
10 Calif. Civil Code §3344 and common law right-to-privacy claims arise from the alleged
11 publication of purportedly copyrighted materials (attached as Exhibit 1 to the Complaint),
12 which copyrights are owned either by the listed publications or by Cyrus Restaurant

13 4. All other defendants who have been served with Summons and Complaint
14 have joined in this Notice of Removal, as evidenced by the Joinders of defendants
15 ATLAS HOSPITALITY GROUP, INC, and JUSTIN B. MEYERS, filed concurrently
16 herewith.

17 DATED: 1/30/07
18

MERRILL, ARNONE & JONES, LLP

ROSS B. JONES,
Attorney for Defendants